



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 21, 1998

Ms. Katheryn H. West
Assistant City Attorney
City of Dallas
Municipal Building
Dallas, Texas 75201

OR98-3208

Dear Ms. West:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 120915.

The Dallas Police Department received a request for records "involving any investigations into, or stemming from a Dallas County Intelligence Bulletin #IB-98-002" and any other bulletins pertaining to two named police officers. You submitted to this office a document that has photographs of two individuals you identify as police officers.¹ You seek to withhold the photographs of the officers under section 552.119 of the Government Code.

Photographs of peace officers are generally protected from disclosure under section 552.119 of the Government Code. Open Records Decision No. 502 (1988). Section 552.119(a) and (b) provides that a photograph of a police officer may be released in the following circumstances:

- (1) the officer is under indictment or charged with an offense by information,
- (2) the officer is a party in a fire or police civil service hearing or a case in arbitration,
- (3) the photograph is introduced as evidence in a judicial proceeding, or
- (4) the officer gives written consent to the disclosure.

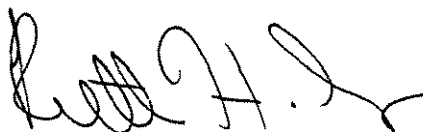
¹We assume these officers are currently "peace officers" as defined by section 552.119(a).

This office also has ruled that photographs of deceased officers are not protected from disclosure under section 552.119. Open Records Decision No. 536 (1989) (purpose of exception is to protect safety of officers, so photographs of deceased officers are not protected).

Unless section 552.119 allows release of these photographs, as discussed above, the photographs at issue are protected from disclosure and may not be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/rho

Ref: ID# 120915

Enclosure: Submitted document

cc: Mr. Harold Beil
1312 Bryan Place
Seagoville, Texas 75159
(w/o enclosure)